

February 4, 2019

CASE #18-8439

CASE: Kevin Carter/Amazon

CLIENT: School Board, City of Pittsburgh School District

INVESTIGATOR: Louis W. Gentile

SYNOPSIS: The objective of this investigation was to determine whether or not a signature, affixed to a document dated October 11, 2017, directed to *Holly Sullivan* of WW Economic Development, Amazon-Office of Economic Development, is in fact the signature of the Honorable *Kevin Carter* which *Carter* disputes. CSI has been retained to investigate the matter and determine whether or not the signature is in fact that of *Carter's* and if not, who signed the document on his behalf. Refer to **Enclosure #1** which is a copy of the original document.

The conclusion rendered in this matter by the document examiner was "strong probability", the second highest rating on the standard nine (9) point conclusion scale (the first being identification (definitive conclusion of identity). The definitive conclusion could not be reached because additional exemplars as requested by the document examiner as well as additional personal information as requested had not been submitted to date, even though the original request was December 18, 2018, followed by a number of requests to Mr. *Carter's* attorney via email and text messages as reflected in this report. Refer to page eight (8) of **Attachment #11**, report of examination by *Khody R. Detwiler*.

Even though all potential relevant interviews have been conducted and investigative leads exhausted thus far, at this juncture the results are inconclusive. There is no recollection from anyone from the Mayor's office as to who delivered the original document with the signatures of both *Carter* and *Hamlet* to the Mayor's office for delivery to Amazon. Laurie *Dierker* had emailed *Pawlak* and *Acklin* as instructed, messaging "we just received the letter" (refer to **Attachment #7**) but when interviewed, could not recall who in fact delivered the document. Solicitor Ira *Weiss* who picked up the document from Anthony *Hamlet's* office was the last known individual to have the document in his possession but does not recall how the document had been delivered to the Mayor's office, nor does he recall whether or not *Carter's* signature was affixed thereto when he picked it up. As reflected in the email exchange between *Pawlak* and *Weiss*, **Attachment #9**, there may have even

been two letters being exchanged between **Pawlak's** office, **Weiss'** office and **Hamlet's** because of a recommended modification proposed by **Pawlak**. However, Attorney **Weiss** denies signing the document for **Carter**. Mr. **Carter** as well denies signing the document.

Investigative efforts thus far:

1. Interview of **Kevin Acklin**, former Chief of Staff for the Office of the Mayor during the time in question, October 2017.
2. Interview of Mr. **Kevin Carter**, in the company of his Attorney **Charles Pascal**.
3. Original document and fifteen (15) documents provided by Mr. **Carter**, signed by Mr. **Carter**, forwarded to Document Examiner, **Khody Detwiler**.
4. Two questions by Document Examiner **Detwiler** directed to Mr. **Carter** which have been forwarded to Attorney **Pascal** for response.
5. Interview of **Dan Gilman**, current Chief of Staff, Office of the Mayor
6. Interview of **Laurie Dierker**, Administrative Assistant to **Dan Gilman**, Office of the Mayor
7. Interview of **Jack Pawlak**, Currently Government Affairs Officer at the Pittsburgh Water and Sewer Authority
8. Interview of Superintendent of Pittsburgh Public Schools, **Anthony D. Hamlet**
9. Interview of Attorney **Ira Weiss**
10. Numerous requests from Attorney **Charles Pascal** for additional information and exemplars required by document examiner **Khody Detwiler**
11. Review of the audio/video recording of the Pittsburgh School District business meeting on October 10, 2017, attended by both **Kevin Carter** and **Attorney Weiss**

Please refer to Details:

DETAILS:

Interview of Kevin Acklin

Kevin Acklin, currently the Senior Vice-President and General Counsel of the Pittsburgh Penguins, former Chief of Staff for the Office of the Mayor of Pittsburgh during the time in question, October 2017, was interviewed on December 5, 2018, at his office located at 1001 Fifth Avenue, PPG Paints Arena, Pittsburgh, PA 15217.

Acklin advised the investigator that during the time when efforts were being made to entice Amazon to establish a presence in Pittsburgh, he was "quarterbacking" the

effort. In doing so, **Acklin** indicated there were three individuals who comprised the team responsible for gathering letters of support of various stakeholders, one of which was the City of Pittsburgh Public Schools. Those individuals consisted of:

1. **Grant Gitten**, at that time employed by the Mayor's Office
2. **Jake Pawlak**, with URA
3. **Matt Smith**, with the Chamber of Commerce

Acklin continued that Pittsburgh's approach was somewhat different from the competition in that instead of providing financial incentives, Pittsburgh's approach was that with Amazon's presence, they would partner in refurbishing the infrastructure, schools, etc.; in essence rebuilding Pittsburgh which would then be able to accommodate education, medical, transportation, and housing facilities necessary to serve the needs of Amazon.

Once that was conveyed to the various stakeholders, the Superintendent of Pittsburgh Public Schools, **Anthony D. Hamlet**, Ed.D., who was in attendance at the second of two executive meetings, agreed that the City of Pittsburgh Public School System would support the effort and requested that **Acklin** then defer to Attorney **Ira Weiss**, the Solicitor for the District.

September 27, 2017, Mr. **Acklin** initiates communication with Attorney **Weiss** via text messaging; this continues through October 12, 2017 at 10:50 a.m. as reflected in **Enclosure #2**, asking whether or not he is free to meet the following week and talk about Amazon in order to discuss the next steps, as they are attempting to put together an incentive package for the three taxing bodies, to which **Ira Weiss** responds that he is available and is willing to meet the following week. To summarize:

October 6, 2017. Attorney **Weiss** communicates with Mr. **Acklin**, advising that he has a meeting with the Superintendent and President on Tuesday and would like an outline or summary of the draft correspondence, to which **Acklin** responds that the draft is being finalized and will have it for him the upcoming weekend.

Refer to **Enclosure #3** reflecting the proposed documentation to Amazon which was provided by **Dan Gilman**, current Chief of Staff, Office of the Mayor at a subsequent interview.

October 10, 2017. Mr. *Weiss* communicates with Mr. *Acklin*, advising that the "meeting went well" and that "Kevin *Carter*, the business chair is 'on board.' Confirm final letter to me. He will sign on PPS letterhead and will confirm when you need it. Will get it to you." It is important to note that this message was sent to *Acklin* by Attorney *Weiss* at 5:55 p.m.

Attorney *Weiss*, on October 11, at 7:39 a.m., requested an addressee for the letter. "AH office teed up for signature." To which, *Acklin* responded, thanking Mr. *Weiss*.

The last communication reflected in the series of text messages was on October 12, 2017 at 10:58 a.m. in which Attorney *Weiss* advised Mr. *Acklin* that "The letter was delivered this morning." To which *Acklin* thanked him. Mr. *Weiss* responded, "Just wanted to make sure you or *Laurie* got it," which was the last communication.

Acklin cannot provide any additional information other than the fact that it was his understanding that the original document may still remain in the possession of now Chief of Staff, Dan *Gilman*, Office of the Mayor, City of Pittsburgh.

Interview of Dan Gilman

Dan *Gilman*, Chief of Staff, Office of the Mayor, City of Pittsburgh, was interviewed on December 12, 2018, at which time Mr. *Gilman* turned over to the custody of the investigator for analysis the original document, and the chain of custody record was completed to memorialize the exchange. Please refer to **Enclosure #4**. During the brief encounter with Mr. *Gilman*, Chief of Staff, he provided to the investigator a copy of the proposed correspondence without any signatures or heading forwarded to Mr. *Weiss*' office. Please refer to **Enclosure #3**. He did confirm that the executed document had been returned to the Mayor's office with Mr. *Weiss*' business card paper clipped to that document which was intact when turned over to the custody of the investigator. He could not recall however who the courier was who physically returned the document to the office of the Mayor. Laurie *Dierker*, Administrative Assistant to Mr. *Gilman* who had arranged the interview with Mr. *Gilman* initially, was interviewed as well. Ms. *Dierker*, when queried by both the investigator and Mr. *Gilman* as to who returned the document to the Office of the Mayor with *Carter's* signature, could not recall. The investigator was advised that there is no video surveillance available to document the return of the correspondence.

Interview of Kevin Carter

Kevin **Carter** was interviewed on December 12, 2018 in the company of his attorney Charles **Pascal** at Mr. **Carter's** office, 213 Smithfield Street, Second Floor. Mr. **Carter's** attorney, Charles A. **Pascal**, Jr., is located at 402 Grant Avenue, Leechburg, Pennsylvania 15656: Office phone 724-954-3770: Cell phone 412-855-6598.

Kevin **Carter** adamantly denied signing the document dated October 11, 2017 supporting Amazon's presence in the City of Pittsburgh and offered no opinion as to who may have forged his signature. When asked whether or not Mr. **Carter** had a conversation with Attorney Ira **Weiss** in regards to supporting Amazon's presence in the City of Pittsburgh, Mr. **Carter** responded that he never had conversation with Attorney **Weiss** about the matter. Mr. **Carter** and **Pascal** were then provided the ability to examine the text exchanges between Kevin **Acklin** and Ira **Weiss** which reflected, on October 10, 2017 at 5:55 p.m., the day before the correspondence to Amazon was signed by Superintendent **Hamlet** and allegedly **Carter** which read as follows: "Meeting went well. Kevin **Carter** the business chair is on board. Confirm final letter to me. He will sign on PPS letterhead and confirm when you need it. Will get it to you."

Mr. **Carter** at first could not recall a business meeting on October 10, 2017, neither could he recall a separate meeting with Attorney **Weiss**. However, after a series of phone calls to an administrator on the business and finance committee, it was confirmed that in fact he was in attendance and in fact there was an audio/video recording of the meeting which the investigator eventually reviewed subsequent to the interview with **Carter**. Please refer to **Enclosure #5**, the link to the video. It should be noted that:

- Both Attorney Ira **Weiss** and **Carter** were in attendance at the meeting.
- Never was there any discussion in regards to Amazon or the school board supporting Amazon's presence in Pittsburgh.
- The meeting started at 5:35 p.m. and concluded at 6:52 p.m. The text to Mr. **Acklin** from Mr. **Weiss** on October 10, 2017, obviously during the meeting, was at 5:55 p.m.
- Although **Carter** denied signing the letter, he did advise that the former Board President, Regina **Holley** had eventually admitted that she had independently forwarded correspondence to Amazon in support of their presence in the City of Pittsburgh.

Mr. **Carter** advised that he never saw the correspondence directed to Amazon and only became aware of the fact that he had allegedly signed such a document after learning the matter in an article published by Public Source, August 27, 2018.

Carter continued that to his knowledge, no one on the school board knew about the support for Amazon. He did indicate that during a legislative body meeting, executive session, on Tuesday, November 20, Superintendent **Hamlet** said he did sign the correspondence, but **Carter's** signature was not on it at the time that he signed it. **Hamlet** did not indicate, according to **Carter**, when he received the correspondence to be signed and did not specify where the document was sent after he signed it. Furthermore, **Hamlet**, according to **Carter**, provided no explanation or rationale as to why he signed it in the first place without the knowledge of the board.

December 17, 2018. Document Examiner **Detwiler** requested additional information from Mr. **Carter** as reflected in **Enclosure #6**. The request was forwarded to Attorney **Pascal** for a response.

Jacob **Pawlak** was interviewed on telephonically on December 19, 2018. Jacob **Pawlak**, at the time of the incident in question, October 2017 was serving as the Government Affairs Officer, Urban Redevelopment Authority of Pittsburgh. **Pawlak** was a member on one of (3) teams whose responsibility was to gather information and submit letters of support for Amazon's presence in Pittsburgh.

During the brief interview with Dan **Gilman**, current Chief of Staff, Office of the Mayor, City of Pittsburgh, Mr. **Gilman** provided the investigator with correspondence directed to Laurie **Dierker** from Jacob **Pawlak** in which he requested Ms. **Dierker** to advise him as to when she was in receipt of the correspondence to be forwarded to Amazon that was to be dropped off by Attorney **Weiss** at the Mayor's office.

Initial attempts to contact Mr. **Pawlak** at the URA were negative. The only information that was offered in regards to his status was that he no longer was working for the URA. Additional research revealed that Mr. **Pawlak** is currently the Government Affairs Manager at the Pittsburgh Water and Sewer Authority. Mr. **Pawlak** was called on December 19, 2018 and returned a call on the same date. Contact information for Mr. **Pawlak** is through PWSA: 412-255-2423 / 412-255-8800 or cell: 412-478-7769.

Mr. **Pawlak** advised that he could not recall who in fact notified him that the letter had been delivered to the Mayor's office but he did state that he believed it was "someone from the Mayor's office". Refer to **Enclosure #7** which is any mail from **Dierker** to **Pawlak**, copying **Acklin**, **Gittlin** and **Chintalapalli** that, on October 12, 2017 at 9:59am "we just received a letter" it did not specify from whom. When asked as to why it was necessary for **Carter** to be a signator on the correspondence to Amazon his recollection was that it was because **Carter** was the chair of the committee responsible for tax incentives at that time. According to Mr. **Pawlak** he had never seen the final version of the correspondence ultimately forwarded to Amazon, with or without **Carter's** or **Hamlet's** signature.

Anthony **Hamlet**, Ed.D, Superintendent of Schools, Pittsburgh Public Schools was interviewed on December 20, 2018 by Louis **Gentile** in his office, 341 South Bellfield Avenue, Pittsburgh, Pennsylvania. According to Superintendent **Hamlet**, he received the letter from the office of Attorney Ira **Weiss** on Wednesday, October 11, 2017 at 12:35 PM. Please refer to **Enclosure #8** advising Superintendent **Hamlet** to sign the correspondence and then forwarded to the law department. According to **Hamlet**, he signed the correspondence hurriedly but he did not recall whether his signature was the only signature on the correspondence at the time which contradicts Mr. **Carter's** recollection who recalled **Hamlet** telling him that he did sign the correspondence but **Carter's** signature was not on it at the time that it was signed.

He then gave the document to his secretary Jocelyn **Santucci** who according to **Hamlet**, was responsible for the delivery back to the office of Attorney Ira **Weiss**. **Hamlet** did not know how the document finally was delivered to Mr. **Weiss**. **Hamlet** also provided **Enclosure #9** wherein Attorney **Weiss** on October 11, 2017 emailed Jocelyn **Santucci** and asked whether or not he could pick up the document the next day and that: "I will take care of **Carter**".

Superintendent **Hamlet** was not aware as to why **Carter** was the other signator and that he suggested he didn't understand why it was not the board president.

Jocelyn Santucci, referenced during the interview with Superintendent **Hamlet**, was interviewed on December 21, 2018 telephonically: 412-529-3601. **Santucci** was asked as to how the correspondence for Superintendent **Hamlet** arrived at **Hamlet's** office to which she responded it was forwarded by Tricia **Stadterman**, Ira **Weiss's** office. Questioned as to who picked up the signed correspondence, her response was that Attorney **Weiss** stopped in, picked it up himself and departed.

Attorney Ira **Weiss** was interviewed on Monday, January 7, 2019 at 9:00am. During the interview, even though not necessary, it was made clear that the focus of the investigation was to determine whether or not **Carter** was the signator and if not, who the signator would be. Attorney **Weiss** was advised of the totality of the investigative process undertaken by the investigator and given the opportunity to examine the text messages between he and Kevin **Acklin** referenced as **Enclosure #2**. Attorney **Weiss** was advised that Anthony **Hamlet** was interviewed and was clear that he received the letter for the signature from the office of Attorney Ira **Weiss** who then in turn provided the document to his secretary, Jocelyn **Santucci** for disposition.

Attorney **Weiss** was informed that according to Jocelyn **Santucci** who had been interviewed, the correspondence had originally been forwarded to her attention by Tricia **Stadterman** from Attorney **Weiss's** office and after **Hamlet** signed the correspondence it was given to **Weiss** personally for disposal.

Attorney **Weiss** confirmed that he did stop in to pick up the correspondence but does not recall how the letter would have been routed to the Mayor's office. Attorney **Weiss** was clear in that given his position as solicitor, he spends a considerable amount of time at 341 South Bellfield Avenue and it is not customary for him to be a courier with any type of correspondence. Attorney **Weiss** reiterated that an inordinate amount of correspondence, literature, material is processed through his desk on a daily basis. Attorney **Weiss** did contend that he did not sign **Carter's** signature.

December 18, 2018: Khody **Detwiler** advised this writer that he was in need of additional exemplars to complete his analysis as well as additional background on **Carter's** physical condition during the time the of period at issue. Correspondence had been forwarded to Mr. **Carter's** attorney, Charles **Pascal** requesting same on December 18, 2018. Please refer to **Enclosure #10**, containing a chronological series of emails/text messages to both Khody **Detwiler** and Attorney Charles **Pascal** as to the status of the requested exemplars:

- December 31, 2018: **Detwiler** queried in regards to when I can expect a final report.
- December 31, 2018: Attorney **Pascal** advised that we cannot close the investigation until we receive the information requested on December 18.
- January 7, 2019: email to Attorney **Pascal** requesting when we can expect the final documents as requested.
- January 8, 2019: Inquiry to Khody **Detwiler** as to whether or not **Pascal** has been in touch with him.

- January 8, 2019: Correspondence returned from Attorney *Pascal* advising that he claims it has been difficult to acquire the materials as requested, apologizing for the delay but did not indicate he would not provide same.
- January 16, 2019: Text message to Attorney *Pascal* making inquiry as to whether or not there is any "headway" in regards to the requested documents.
- January 27, 2019: Email to document examiner Detwiler making inquiry as to whether or not he has been in receipt of the requested documents to which he responded he did not.

Please note the only time that there was a response from Attorney *Pascal* was January 8th.

Investigation concluded.



Louis W. Gentile

2/4/19

Date